

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed March 27, 2007 (the "Office Action"). At the time of the Office Action, Claims 1-21 were pending in the application. The Office Action rejects Claims 1-21. Applicants respectfully request reconsideration and favorable action in this case.

Double Patenting Rejection

Claims 1-21 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-21 of co-pending application 10/807,589 and Claims 1-21 of co-pending application 10/807,572. Without conceding the veracity of any double patenting rejection, but instead solely for the purpose of moving this case expediently to issuance, Applicants file herewith a Terminal Disclaimer obviating the double patenting rejection.

Section 102 Rejections

The Examiner rejects Claims 1-3, 7-10, 14-17, 20 and 21 under 35 U.S.C. 102(b) as being anticipated by WO 2003/001340 to Mosttov ("*Mosttov*"). Applicants respectfully traverse these rejections.

Mosttov fails to teach a number of elements of independent Claim 1. For example, Claim 1 recites a motion controlled handheld device comprising "a user interface operable to receive user input associating selected ones of the gestures with corresponding ones of the commands" and "a gesture mapping database comprising a command map for the application, the command map comprising mappings of the selected gestures to the corresponding commands as indicated by the user input." The Office Action refers to page 6, lines 23-28 of *Mosttov* as allegedly teaching "a user interface operable to receive user input associating selected ones of the gestures with corresponding ones of the commands." Office Action, p. 8. In response to Applicants' previous arguments that *Mosttov* fails to disclose this element, the Office Action quotes *Mosttov* in stating that a "gesture can activate a function of an application or provides it with control information." Office Action, p. 9. However, this portion of *Mosttov* merely teaches that a gesture can activate a pre-determined function of an

application, or provide the application with control information. There is no disclosure in this or any other portion of *Mosttov* of an interface receiving user input to associate selected gestures with corresponding commands. Nowhere does *Mosttov* disclose receiving any such gesture association user input.

Further, the Office Action points to page 8, lines 24-28 of *Mosttov* as allegedly teaching “a gesture mapping database comprising a command map for the application, the command map comprising mappings of the selected gestures to the corresponding commands as indicated by the user input.” Office Action, p. 8. In response to Applicants’ previous arguments that *Mosttov* fails to disclose “a command map comprising mappings of the selected gestures to the corresponding commands as indicated by the user input,” the Office Action states that “the parser includes a discriminator 30 that decides which class of gesture is represented by the inertial data, and two interpreters 32, 34 that match the inertial data to a particular gesture in the class that was selected by the discriminator 30.” Office Action, p. 10. *Mosttov* describes a parser that generates “tokens” that represent specific gestures; the *applications* then assign different actions to the tokens. *See Mosttov*, p. 8, lines 4-9. Page 8, lines 24-28 of *Mosttov* discloses a discriminator that decides which class of gesture is represented by inertial data and two interpreters that match the inertial data to a particular gesture in the selected class. *Mosttov* does not teach “mappings of the selected gestures to the corresponding commands as indicated by the user input.” There is no disclosure of a command map comprising mappings of the selected gestures to the corresponding commands as indicated *by user input*. Therefore, for at least the above reasons, Applicants respectfully submit that Claim 1 is patentable over the cited art used in the rejections and request that the rejection be withdrawn. Claims 8, 15 and 21 recite similar elements. Applicants respectfully request allowance of these independent claims.

Claims 2-3 and 7 each depends from Claim 1, Claims 9-10 and 14 each depends from Claim 8 and Claims 16-17 and 20 each depends from Claim 15. Thus, for at least the reasons discussed above with respect to Claims 1, 8 and 15, Applicants respectfully request that the rejections of Claims 2-3, 7, 9-10, 14, 16-17 and 20 be withdrawn.

CONCLUSION


Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Chad C. Walters, Attorney for Applicants, at the Examiner's convenience at (214) 953-6511.

Although no fees are believed due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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